



GENERAL ASSEMBLY COMMONWEALTH OF KENTUCKY

2005 REGULAR SESSION

SENATE BILL NO. 129

FRIDAY, FEBRUARY 25, 2005

The following bill was reported to the House from the Senate and ordered to be printed.

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TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Adler

AN ACT relating to donations to sheriffs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1 Section 1. KRS 61.310 is amended to read as follows:

2 (1) "Peace officer," as used in this section, means any sheriff, deputy sheriff, constable,
3 deputy constable, patrol or any other peace officer or deputy peace officer except
4 those appointed pursuant to KRS 61.360 or 277.270 and those employed by a board
5 of education.

6 (2) ~~A[No]~~ peace officer shall **not** receive any compensation or remuneration, directly or
7 indirectly, from any person for the performance of any service or duty, except that
8 he **or she** may be compensated for employment authorized by subsection (4) of this
9 section **and accept donations in accordance with subsection (8) of this section.**

10 Any peace officer who violates this subsection may be removed from office, under
11 the provisions of KRS 63.170.

12 (3) **(a)** Peace officers shall receive for the performance of their services and duties
13 only such compensation or remuneration as is regularly provided and paid out
14 of the public funds to the amount and in the manner provided by law, except
15 that they may be compensated from private funds for employment authorized
16 by subsection (4) of this section **and accept donations of private funds in**
17 **accordance with subsection (8) of this section.**

18 **(b)** **Except as set out in subsection (8) of this section,** donations made by persons
19 to any governmental unit or officer thereof do not constitute public funds
20 within the meaning of this subsection.

21 (4) A peace officer may, while in office, and during hours other than regular or
22 scheduled duty hours, act in any private employment as guard or watchman or in
23 any other similar or private employment. However, he may not participate directly
24 or indirectly, in any labor dispute during his off-duty hours. Any peace officer who
25 violates this subsection may be removed from office, under the provisions of KRS

1 63.170.

2 (5) No principal peace officer shall appoint or continue the appointment of any deputy
3 contrary to the provisions of this section. When it appears by the affidavit of two (2)
4 citizens, taxpayers of the county, filed with any principal peace officer, that there is
5 reasonable cause to believe that any of his deputies are receiving compensation
6 from private sources contrary to the provisions of this section, the peace officer
7 shall forthwith investigate the charges contained in the affidavit, and if he finds the
8 charges are true he shall forthwith remove any such deputy from office. Failure to
9 do so shall constitute neglect of duty on the part of the principal peace officer, and
10 he may be removed from office under the provisions of KRS 63.170.

11 (6) In addition to being subject to removal from office, any peace officer who violates
12 any of the provisions of this section shall be fined not less than five hundred dollars
13 (\$500) nor more than five thousand dollars (\$5,000), or confined in jail for not more
14 than one (1) year, or both.

15 (7) Except as provided in subsection (8) of this section and KRS 61.360 and 277.280,
16 any person who directly or indirectly pays or contributes or causes to be paid or
17 contributed any money or other thing of value to any peace officer or to any
18 governmental unit or officer thereof, either as a gift or donation for the performance
19 of any public duty shall be fined not less than five hundred (\$500) nor more than
20 five thousand dollars (\$5,000).

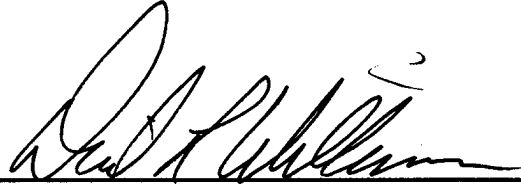
21 (8) (a) A sheriff may accept a donation of money or goods to be used for the public
22 purposes of his or her office if the sheriff establishes a register for
23 recording all donations that includes, at a minimum:

24 1. The name and address of the donor;

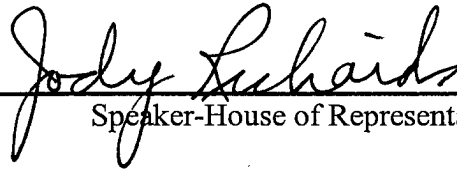
25 2. A general description of the donation;

26 3. The date of acceptance of the donation;

27 4. The monetary amount of the donation, or its estimated worth; and

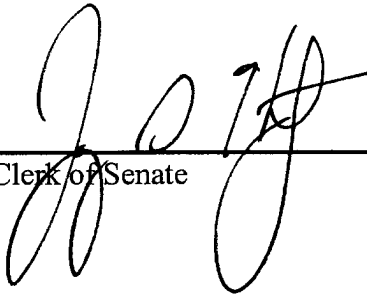


President of the Senate



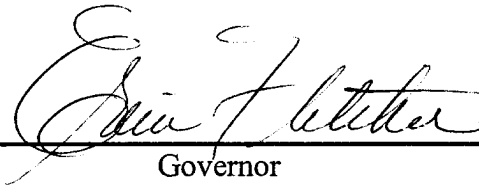
Speaker-House of Representatives

Attest:



Chief Clerk of Senate

Approved



Governor

Date

